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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAVID LEE NUSBAUM,  
Petitioner,  
vs.  
J. F. SALAZAR, Warden,  
Respondent.      }  
                        }  
                        Case No. CV 06-5061-DSF (OP)  
                        }  
                        ORDER ADOPTING FINDINGS,  
                        CONCLUSIONS, AND  
                        RECOMMENDATIONS OF  
                        UNITED STATES MAGISTRATE  
                        JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. The Court concurs with and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

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1 IT IS ORDERED that Judgment be entered (1) approving and adopting this  
2 Second Amended Report and Recommendation; (2) denying Respondent's Motion  
3 to Dismiss as moot; and (3) directing that Judgment be entered denying the Petition  
4 and dismissing this action with prejudice.

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7 DATED: 12/22/08

*Dale S. Fischer*

8 HONORABLE DALE S. FISCHER  
United States District Judge

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10 Prepared by:

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12 *Oswald Parada*

13 HONORABLE OSWALD PARADA  
14 United States Magistrate Judge